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effect a proposal or offer, and, therefore, acceptance by third party completes the contract. *Craft v. Isham*, 13 Conn. 28; *Bradley v. Carey*, 8 Me. 234; *Klosterman v. Olcott*, 25 Neb. 382. The court in the principal case follows the case of *Standard etc. Co. v. Church*, 11 N. D. 420, which holds under similar facts that the guarantee must, under the statute, not only act upon the guaranty but must notify the guarantor of acceptance.

**HOMESTEAD—ABANDONMENT.**—This is an action for a tract of land. The plaintiff was a purchaser at an execution sale under a judgment against one Dane. It seems that Dane and his wife, the defendant herein, had lived upon the premises for many years as their home. In 1896, they separated, both leaving the place. The wife did not remain because she could not live there alone. She remained away for nearly five years and then returned with her grandchildren. In the meantime, after the husband had left, but before the wife returned, a judgment was obtained against Dane, the husband, and sale of the land was made thereunder and purchase was made by the plaintiff. The plaintiff now sues the wife for the land. *Held*, he cannot recover, since the wife had not abandoned the homestead, but still retained her rights therein. *Montgomery v. Dane* (1906), — Ark. —, 98 S. W. Rep. 715.

The state constitution provides for exemptions of the "homestead of the head of a family which shall be owned and occupied as a residence \* \* \* and be selected by the owner." Sections 3901, 3902 provide that a conveyance of the homestead without the joinder of the wife shall be void; that it need not be selected and claimed before sale but may be done afterwards; that if the husband neglects or refuses to make claim, the wife may do it in his stead. The question of the abandonment of the homestead depends largely upon the intent of the claimant. If he intended not to return at the time of his removal, his homestead right is lost unless he actually returns with his family. He may even go on an extended tour, be absent for several years, and rent the place in the meantime, provided he did not intend to abandon the premises. *Tumlinson v. Swinney*, 22 Ark. 400. In Illinois, however, it has been held that the exemption is lost by leaving the premises and renting them. *Cabeen v. Mulligan*, 37 Ill. 230. In case the husband leaves the wife, the presumption is that he will return and, therefore, this supposed temporary absence would not forfeit the wife's right to the homestead. In the case of *Barker v. Dayton*, 28 Wis. 383, it was said, "that it is well settled that the wife, if driven from her home by the cruelty of her husband, loses no rights and forfeits none of the immunities or privileges to which she is entitled by law; but that she retains the same without prejudice, as if she had remained in the house, or continued to reside with her husband." In the principal case the wife was driven from her home by necessity. She was an aged lady and under the circumstances could not remain alone. She did not intend to abandon the place, but kept in touch with it through her tenants, and when she returned, her right to the homestead should not be barred. This is a good case on the subject, and is in accord with reason and justice. Authorities in point may be found in the following: *Newton v. Russian*, 74 Ark. 88, 85 S. W. Rep. 407; *Walters v. People*, 18 Ill. 194, 65

Am. Dec. 730; *Moore v. Dunning*, 29 Ill. 130, 81. Am. Dec. 301; *Franklin v. Coffee*, 18 Tex. 413, 70 Am. Dec. 292. See note to *Pryor v. Stone*, 70 Am. Dec. 344. Also note to *Taylor v. Hargous*, 60 Am. Dec. 607. The latter note gives an exhaustive treatment of the subject.

**HUSBAND AND WIFE—TESTAMENTARY CAPACITY OF WIFE—AFTER ACQUIRED PROPERTY.**—Testatrix, who had been made a beneficiary under a trust deed, by her will devised the property to her husband. A statute provided that a person might dispose by will of any estate to which he shall be entitled at his death, notwithstanding he may become so entitled subsequent to the execution of the will. In a suit to contest the validity of the will it was *held*, that a married woman who had no separate estate at the time of making her will, had the capacity to dispose of an estate subsequently acquired and owned by her at her death. *Tarrant et al v. Core et al.* (1907), — Va. —, 56 S. E. Rep. 228.

The decision in this case raises a nice question as to the right of a married woman to dispose of her equitable separate estate independent of statute. In taking the view that a married woman with respect to her equitable estate is *sui juris*, and has the same right of disposition as a *feme sole*, the Virginia court is probably sustained by the weight of both American and English authority, the point having been settled by the decision in *Taylor v. Meads*, 34 Law J., N. S. Chap. 203, which has since been followed. By settled rule of the common law, no one could devise lands which he did not own, and had no interest in, at the time of the execution of the will, and it followed that lands acquired subsequently did not pass. *Brewster v. McCall*, 15 Conn. 274; *Quinn v. Hardenbrook*, 54 N. Y. 83; *Girard v. Philadelphia*, 4 (Rawl) Penn. 323. Statutes have now been enacted in a majority of the states, by which the power to dispose of after-acquired property has been conferred in general terms, and it has repeatedly been held that these statutes are broad enough to include the will of a married woman. *In re Tullers Will*, 79 Ill. 99; *Buchanan v. Turner*, 26 Md. 1; *Schull v. Murray*, 32 Md. 9; *Wadham v. American Home Missionary Society*, 12 N. Y. 415; *Johnson v. Sharp*, 44 Tenn. 45; *Smith v. Thompson*, 2 McArthur D. C. 291.

**INJUNCTION—RESTRAINT OF POLICE DEPARTMENT—INJURY TO BUSINESS.**—Plaintiff is a licensed hotel keeper at Arverne within the city limits of New York. The defendants are police officials. On the ground of a suspicion of gambling three policemen came every day for three weeks to plaintiff's hotel in the evening and demanded that plaintiff conduct them through the hotel for the purposes of inspection. Moreover, they often came after midnight, opened all bedrooms and awakened the guests. An officer was stationed at the door who stopped persons about to enter and either warned them or forbade entry. *Held*, that plaintiff was entitled to an injunction restraining further interference. *Olms v. Bingham et al.* (1907), 101 N. Y. Supp. 1106.

The court, in its opinion, said that the opportunity of extortion on the part of policemen should be restrained. Equity seems to be loath to interfere with the police as in *Prendville v. Kennedy*, 34 How. Pr. (N. Y.) 416, the